

## **Regional School Assessments**

Since the passage of the Education Reform Act of 1993 (as amended), the method for allocating regional school district assessments has changed. Historically, the committee apportioned the net budget amount (after deducting other funding sources such as state aid and [excess & deficiency](#)) among each member town in accordance with the district agreement. Now, the statute imposes a minimum amount that each member must contribute to the district so that it may maintain its [foundation budget](#). This amount, or minimum contribution, is calculated independently for each member based upon that member's prior year contribution, increased by its municipal revenue growth factor. Because many school districts are spending more than the net school spending requirement, the annual operating portion of the school assessment to the members often is greater than the minimum contribution. The amount of the assessment that is over the minimum contribution is generally apportioned based on the district agreement formula. Similarly, any non-net school spending items (e.g., debt, capital and transportation costs) are also assessed to members based on the district agreement. The district treasurer certifies to each member community's treasurer the combination of the minimum contribution and any other assessments.

Each member community must either approve or disapprove the proposed budget ([MGL Chapter 71, section 16\(B\)](#)), notifying the district of the result. A community may approve the budget by a vote expressly approving it, or by the more usual practice of simply appropriating its entire assessment. A community also may approve the budget contingent upon the passage of a subsequent override ([MGL Chapter 59, section 21C\(m\)](#)). If the ballot vote passes the budget is approved, otherwise the budget is disapproved. A community may disapprove the ensuing year's proposed assessment because the regional assessment may be greater than locally estimated resources and/or a community may not agree with the regional school committee's proposed spending plan. If disapproved, we recommend that the community appropriate a lesser amount, generally the ensuing year's minimum contribution or the current year's assessment figure. By doing so, the community has not approved the budget, but it has provided an appropriation from which the regional assessments may be legally paid in the event the community is required to do so.

[Chapter 71, section 16\(B\)](#) of the general laws requires that an annual budget must be approved by two-thirds of the member communities before it becomes effective. If the budget is not approved by one of the communities in a two-member district, the district school committee must revise the budget and recertify the district assessments for approval. If either town does not approve the re-certified assessments, then the budget must be considered at a special district-wide meeting open to all registered voters. It is DLS' legal opinion if the recertified budget is contingent upon the passage of an override that the regional school district may call a district wide meeting without waiting for the contingency to be resolved. If the majority of the district voters present approve the district budget, it becomes effective.

In districts with three or more members, rejection of the budget means the regional district committee has thirty days to reconsider and must submit an amended budget for consideration to the member towns. If the amended budget is also disapproved, the committee is obligated to submit further amended budgets until a

budget is approved. A municipality that does not hold such a meeting prior to expiration of forty-five days from the date on which an amended budget was adopted by the regional school district committee shall be deemed to have voted to appropriate the amounts reapportioned. When the budget is approved by two-thirds of the members, all member communities become legally obligated to fund their assessments whether they approved the budget or not. Having appropriated its minimum contribution as suggested above, a community has time to call a meeting of the local appropriating authority to appropriate/ transfer the remaining funds necessary to meet the district's assessment. A community that disapproved the district's budget and voted \$0 for the assessment would be required to immediately call a meeting to fund the obligation. If the regional budget was disapproved due to limited local resources or a failed override, the community must anti-up the additional regional funding while having to absorb the cost of calling a special meeting and the impact of other departmental budget and/or service cuts.

If in the case that no agreement is reached among the members, the district is required to notify the Commissioner of the Department of Education (DOE). In this case, the commissioner would certify an amount sufficient for the operation of the district (generally 1/12 of the total prior year's budget). Similar sums shall be certified and appropriated for each successive month to insure the continued provision of services by the district until such time as a budget is adopted and approved by the regional member towns. In the event a budget is not adopted by December first in any year, DOE may take over the operation of the district and funding necessary to support said operations would be deducted from members' local aid distributions.

At any time after the adoption of the annual budget, the regional district school committee may reduce the amount to be raised by assessments. The regional school district treasurer is required to notify the member communities within thirty days from the date on which the regional district school committee votes to reduce the assessments. Because the amount is lower than the amount appropriated by council action or at annual town meeting, it is not necessary to call a special meeting to reduce the budget. Instead, the community would include the recertified (lower) figure in the amount to be raised on the tax recapitulation sheet.